

EXHIBIT 3

Subject: meeting tomorrow
Date: Wednesday, September 16, 2015 3:23 PM
From: Joseph Sulman <jsulman@sulmanlaw.com>
To: Frederick Runyon <flrunyon@comcast.net>
Conversation: meeting tomorrow

Rick -

Can you come in tomorrow around 1 pm? Your deposition has been postponed because of all the documents we gave yesterday. But Wellington's counsel has also threatened us with sanctions and a separate legal action for your taking your work files with you. Here is an excerpt from her email to me. We can discuss this tomorrow.

Mr. Runyon appears to have imaged his Wellington email account and taken proprietary work product from the company just days before he was discharged. This activity violates Wellington's policies and may expose him to criminal and civil liability. Wellington will address this issue outside the scope of this civil action. In the meantime, this constitutes a demand that Mr. Runyon take steps to forensically preserve his home computer and/or any other device on which these documents are stored. I will expect you to take possession of a complete, professionally prepared image of his computer and any other relevant devices and retain the same until this issue is resolved. I will expect you to certify to me in writing that you have done so and that Mr. Runyon has not altered, deleted or in any manner changed the contents of his computer and/or related devices. Any such alteration or deletion will be considered a spoliation of evidence.

2. Your production of over 56,000 documents – stored in a non-traditional format that cannot be searched or sorted, delivered one month late and after you had represented that your production was essentially complete, and handed to me three days before the Plaintiff's deposition -- is unacceptable. It simply cannot be the case that all of these documents are responsive to Wellington's requests and it is your job and not mine to manually click through each of them to make the determination of which, if any, are responsive. You must agree to pull out the responsive documents from this hard drive and deliver them to me in a readable format by the close of business on Friday, September 18. If you fail to do this, I will move to compel you to do so and will also request that you pay Wellington's fees incurred in my being forced to this action.

In the meantime, I will not start Mr. Runyon's deposition on September 18. I am going to reschedule the deposition for Friday, October 2, 2015 in my office. I will send you a new deposition notice tomorrow. The deposition will commence at 9:30 AM. Because I do not believe that this issue will be resolved by that time, you are advised that I plan to continue the deposition at such time as the court has ruled on my motion and I have all of Mr. Runyon's document production and have had ample time to review it.

Let me know if 1 pm is OK tomorrow.

Joe

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